

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BLAKE JOSEPH SANDLAIN,

Case No. 14-cr-20283

Petitioner,

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

v.

UNITED STATES OF AMERICA,

UNITED STATES MAGISTRATE JUDGE
R. STEVEN WHALEN

Respondent.

**ORDER DENYING PETITIONER'S MOTION UNDER RULE 60(B)(6) [115], AND
DENYING PETITIONER'S MOTION TO APPOINT COUNSEL [114]**

Petitioner Blake Joseph Sandlain, proceeding *pro se*, pleaded guilty to two felonies and is currently serving his sentence at a federal correctional facility in Pollock, Louisiana. Presently before the Court—yet again—is a motion in which Sandlain seeks relief under Federal Rule of Civil Procedure 60(b). The motion appears to challenge the Final Judgment on the grounds that the Court improperly relied on “dicta” in *Samson v. California*, 547 U.S. 843 (2006), in the Court’s August 26, 2015 Opinion Denying Sandlain’s Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255. *See* Dkt. No. 58. It is axiomatic that this Court must follow guidance from the United States Supreme Court. Petitioner’s argument,

then, falls far short of the “extraordinary circumstances” contemplated by Rule 60(b)(6). Accordingly, the Court will deny Sandlain’s motion under Rule 60(b)(6).

In addition, because the Court finds that Petitioner’s Rule 60(b)(6) motion lacks merit, the Court will also deny Petitioner’s Motion for Appointment of Counsel. *See* Dkt. No. 114.

In light of the foregoing, Petitioner’s Motion under Rule 60(b)(6) is DENIED [115], and his Motion for Appointment of Counsel is also DENIED [114].

Finally, the Court cautioned Petitioner that if he filed additional challenges attempting to relitigate issues previously decided by the Court, he might be enjoined from filing further motions without first obtaining leave of this Court. *See* Dkt. No. 113. Despite this warning, Petitioner filed the instant motion, trying to relitigate issues decided by the Court. Consequently, the Court will enjoin Sandlain from filing additional motions without first obtaining leave from this Court.

IT IS SO ORDERED.

Dated: February 7, 2018

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 7, 2018, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Deputy Clerk